

049

AMENDED RESTRICTIVE COVENANTS

THESE AMENDED RESTRICTIVE COVENANTS, executed this 10th day of January, 1974, by PRICE-OGDEN COMPANY, a Limited Partnership, and the sole owner of the property hereinbelow described.

WITNESSETH:

WHEREAS, the undersigned, PRICE-OGDEN COMPANY, a Limited Partnership, is the sole owner of real property hereinafter described comprising a commercial area in the City of Ogden, Weber County, State of Utah, to be devoted to a shopping center; and

WHEREAS, it is the desire of the owner to place restrictive and protective covenants upon said land for the benefit and protection of tenants, lessees and future owners;

NOW, THEREFORE, it is by the undersigned for and in consideration of the execution of leases and agreements between said owner and its tenants and lessees, declared, covenanted and stated as follows:

1. The area covered by these covenants is located in Ogden City, Weber County, Utah, described in the Exhibit "A" attached hereto and by this reference fully incorporated herein. A plat of the entire described area is attached hereto and made a part of these Covenants.
2. The construction of buildings upon the above described property shall be limited to such an extent that there shall always be at least two and one-half (2½) square feet of vehicle parking area and service area for each one (1) square foot of ground upon which buildings are constructed. Such buildings shall be erected only on the areas reserved for buildings on the attached plat.
3. The remaining area of such tract not now or hereafter to be occupied by buildings erected strictly in conformance with paragraph 2 above shall become and remain parking and service area available for

the use of tenants and customers of the businesses located in said shopping center.

4. There shall be vehicular or driveway access from the parking area of such shopping center to 12th Street, Childs Avenue and Wall Avenue as said streets are now designated in Ogden City.

5. That not more than one (1) each of the following types or kinds of businesses shall be operated upon or occupy space in the shopping center, to-wit: (a) supermarket or retail food store for the retail selling of food for consumption off the premises; (b) retail variety department store; (c) a restaurant or such other business as may be approved by the undersigned and the tenants of the supermarket and department store.

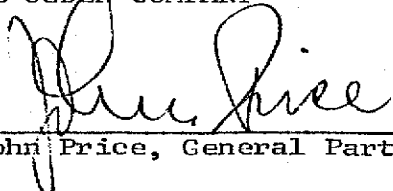
6. That the presently established businesses having the exclusive right for their type of business in said shopping center are as follows, to-wit: (a) supermarket - Smith's Food King No. 1; (b) retail variety department store - Grand Central, Inc.

7. These covenants are appurtenant to and shall run with the land and shall be binding upon the present owner, tenants and lessees and all persons claiming under them for a period of twenty (20) years from and after the date of recording of these covenants.

8. The owner, its grantees, mortgagees, assignees, lessees and all other lawful occupants of the above described premises shall be entitled to enforce the provisions of these restrictive covenants by appropriate, legal and equitable remedies including injunctive relief.

IN WITNESS WHEREOF, these Covenants have been executed the day and year first hereinabove written.

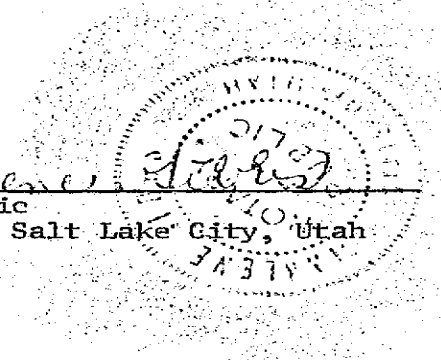
PRICE-OGDEN COMPANY

By 
John Price, General Partner

STATE OF UTAH)
)
COUNTY OF SALT LAKE) ss.

On the 10th day of January, 1974, before me, a notary public, personally appeared JOHN PRICE, who duly acknowledged to me that he is the General Partner of PRICE-OGDEN COMPANY, a Limited Partnership, and that he executed the within and foregoing instrument for and on behalf of said Partnership.

Margaret J. [Signature]
Notary Public
Residing in Salt Lake City, Utah



My Commission Expires:

9-30-77

EXHIBIT A

Beginning on the Quarter Section line at a point South 0° 56' 14" West 802.968 feet from the North Quarter corner of Section 20, Township 6 North, Range 1 West, Salt Lake Base and Meridian, U.S. Survey; running thence North 89° 33' 00" East 483.177 feet; thence South 83° 10' 00" East 351.236 feet to existing West right of way line of Childs Avenue; thence South 0° 58' 00" West 721.971 feet to the North right of way line of 12th Street; thence North 89° 09' 45" West 661.10 feet along said North line; thence North 83° 41' 26" West 171.67 feet to said Quarter Section line; thence North 0° 56' 14" East 214.39 feet along said Quarter Section line to a point South 0° 56' 14" West 1320.00 feet from the North Quarter corner of said Section 20; thence West 304.60 feet to the East line of Wall Avenue; thence North 0° 58' 00" East 195.789 feet along said East line; thence South 89° 09' 45" East 170.00 feet; thence North 00° 58' 00" East 135.00 feet; thence North 89° 09' 45" West 170.00 feet; to the East line of Wall Avenue; thence North 00° 58' 00" East 180.945 feet along said East line; thence North 89° 00' 00" East 303.308 feet; thence North 89° 33' 00" East 1.161 feet to the point of beginning.

SUBJECT to a 40.0 foot-wide right of way along and across the following: Beginning on the Quarter Section line at a point South 0° 56' 14" West 802.968 feet from the North Quarter corner of said Section 20; running thence North 89° 33' 00" East 483.177 feet; thence South 83° 10' 00" East 351.236 feet; thence South 0° 58' 00" West 140.00 feet; thence North 89° 02' 00" West 40.00 feet; thence North 0° 58' 00" East 103.90 feet; thence North 83° 10' 00" West 312.589 feet; thence South 89° 33' 00" West 481.60 feet; thence North 0° 43' 30" West 40.00 feet; thence North 89° 33' 00" East 1.161 feet to the point of Beginning.

1/2 Sec 20

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FILED AND RECORDED FOR
Security Title
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RUTH EAMES OLSEN
 WEGER COUNTY RECORDER
 DEPUTY *Margaret R. Castle*